

Application No. 10/649,445
Amendment dated September 13, 2005
Reply to Office Action of May 27, 2005

Docket No. CM06341J

REMARKS/ARGUMENTS

The claims have been amended, without prejudice or disclaimer, by rewriting claims 1, 2 and 6 and adding new claims 16-22. Claims 1-22 remain in the application.

Claim Rejection - 35 U.S.C. § 102:

Claims 1-4, 6, 8-12 and 14 rejected under 35 U.S.C. § 102 (b) as being anticipated by Vapaakoski et al, US Patent Number 6,164,547.

Applicant has amended independent claims 1, 2 and 6 to more clearly define the invention. Claim 1 now recites: "the communication device restricting the operation of the peripheral device when the communication device type certification parameters and peripheral device type certification parameters are incompatible based solely on a reading initiated by the communication device." Claim 2 now recites "initiating a read at the radio to determine whether the peripheral device is intrinsically compatible with the communication device based on the communication device type certification parameters and the peripheral type certification parameters." Claim 6 now recites: "comparing, at the radio, the radio type certification parameters and peripheral type certification parameters; determining, solely at the radio, intrinsically safe compatibility based on the step of comparing."

Support for these amendments is found on page 4, lines 4-11 and FIG. 1 of the specification. The Kapaakoski reference requires processing steps to be made at both the mobile station (201) and the functional unit (207). Referring to FIG. 1 and col. 2, lines 58-65 of Kapaakoski, a reference code is calculated in the mobile station (step 104) and is calculated at the functional unit (step 105), the functional unit formulates a response (step 106) which is sent back to the mobile station (step 107). Applicant's invention does not

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require these processing steps and provides a far simpler straightforward "read" at the communication device of the peripheral device. Processing within the accessory is not necessary.

New dependent claims 16-18 have been added to depend on claims 1, 2 and 6 respectively and provide the further recitation that the peripheral device is processor-less as regards to the intrinsically safe operation. Vappaakoski's functional unit requires the use of a processor as it performs a computation (col. 2, lines 58-65) as discussed above. Again, Vappaakoski uses processing on both sides (the mobile station 201 and the functional unit 207).

Independent claim 12 was rejected under 35USC102 based on the same premise as claims 1-4, 8-11 and referring to Vappaakoski, col. 1: line 55- col. 2: line 29. However, claim 12 specifically recites: "the communication device restricting the plurality of peripheral devices to various predetermined levels of operation in response to the communication device type certification parameters and the peripheral device type certification parameters being mismatched." There is no teaching or suggestion in col. 1: line 55- col. 2: line 29 or anywhere else in the cited reference of restricting the plurality of peripheral devices to various predetermined levels of operation. Accordingly, Applicant respectfully submits that claim 12 should be allowed.

New dependent claim 19 depends on independent claim 12 and recites that "the plurality of peripheral devices are processor-less as regards to the intrinsically safe operating system." New dependent claim 21 depends on claim 12 and recites that the "communication device bases the restricting solely on determinations made within the communication device." No new matter has been added. This claim is supported throughout the specification and FIG. 1.

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Docket No. CM06341J

Independent claim 14 was rejected under 35USC102 based on the same premise as claims 1-4, 8-11 and referring to Vapaakoski, col. 1: line 55- col. 2: line 29. However, claim 14 specifically recites: "selectively restricting operation of the plurality of peripheral devices based on intrinsic compatibility." There is no teaching or suggestion in col. 1: line 55- col. 2: line 29 or anywhere else in the cited reference of the step of selectively restricting. Accordingly, Applicant respectfully submits that claim 14 should be allowed.

New dependent claim 20 depends on independent claim 14 and recites that "the plurality of peripheral devices are processor-less as regards to the intrinsically safe operating system." New dependent claim 22 depends on independent claim 14 and recites that "the steps of determining and selectively restricting are made solely within the communication device." No new matter has been added. This dependent is supported by FIG. 1 and throughout the specification.

Accordingly, the rejection of claims 1-4, 6, 8-12 and 14, as amended, are believed to be overcome. Dependent claims 3, 4, 8, 9, 10 and 11 provide further limitations to what are believed to be allowable claims and hence are also in condition for allowance.

Claim Rejections - 35 U.S.C. § 103:

Claims 5, 7, 13 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vapaakoski.

Claims 5, 7, 13 and 15 are all dependent claims providing further limitations to what are believed to be allowable claims and hence are also in condition for allowance.

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Docket No. CM06341J

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.


The Commissioner is hereby authorized to charge Deposit Account 502117, Motorola, Inc, with any fees which may be required in the prosecution of this application.

Respectfully submitted,

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